

III. REMARKS

In the Action the Examiner has stated that the IDS filed 4/23/04 fails to comply with 37 CFR 1.98(a)(3). It is noted that the IDS in issue states that the Applicants are aware of information, including the foreign references (DE patents No. 4306957, DE 19535871, DE 19853446, DE 19728478) that may be material to the examination of the subject patent application. It is further noted that patents DE 4306957, DE 19535871 and DE 19728478 have corresponding U.S. patents respectively U.S. Patent Nos. 5,605,428, 6,419,439 and 6,211,514. Moreover, appended to the IDS was a bibliographic data sheet for foreign reference DE 19853446 (a copy of which is appended hereto in the event the data sheet sent with the earlier filed IDS became separated from the corresponding reference). Thus, it is respectfully submitted that the noted IDS meets the requirements of 37 C.F.R. 1.98(a)(3), and the references noted therein should be considered by the Examiner.

Claims 1-2 have been rejected under 35 U.S.C. 102 as being anticipated by Miyajima et al. (hereinafter Miyajima). The Applicants respectfully disagree. Claim 1 calls for a transmitting and receiving device comprising a vertical drive mechanism mounted on the wall element independent from the drive mechanism of the closure. Miyajima does not anticipate the features called for in claim 1. Miyajima fails to disclose a transmitting and receiving device having a vertical drive mechanism mounted on the wall element independent from the drive mechanism of the closure. In Figs. 1-4, Miyajima discloses cover 4 that is connected via connector arm 42 and movable support base 60 to actuation cylinder 33. The support base 60 is movably (slidably) mounted to partition 55, and actuation cylinder 33 is

fixed onto the partition 55. Thus the support base 60 and cylinder 33 drive the cover 4 and mount the cover to the partition structure/wall 55. In Figs. 1-4, Miyajima further discloses a transparency type sensor 9, located on frame 5 (around the cover 4). The frame 5, supporting sensor 9, is attached by arms 43, and actuation cylinder 32 to the same base 60 that also supports the cover 4. Hence the base 60, as well as cylinder 33, is a common support that mounts the sensor 9 with its actuation cylinder 32 and the cover 4 to the partition wall 55. Thus the actuation cylinder 32 of the sensor is mounted on the partition wall via (i.e. the sensor actuation cylinder 32 is dependent from) the drive mechanism (i.e. base 60, cylinder 33) of the cover 4. Miyajima fails to disclose the sensor comprising a vertical drive mechanism mounted on the wall element independent of the drive mechanism of the closure as called for in claim 1. The rejection should be withdrawn and the claims 1-10 allowed.

Claims 1-2 have further been rejected under 35 U.S.C. 102 as being anticipated by Igarashi et al., U.S. Patent Pub. No. 2004/0099826 ("Igarashi"). As noted before Igarashi is not valid prior art. Igarashi is a continuation of U.S. Patent Application Serial No. 10/301,841, filed on November 22, 2002, and hence has an effective date of November 22, 2002. The instant application claims priority from DE Application 10250353.2, filed October 25, 2002, which precedes the effective date of Igarashi. A certified translation of the duly executed priority document with a certificate of translation (copy attached) was filed with the initial filing (on October 23, 2003) of the instant application. Thus, the Applicant may properly assert priority from the aforementioned priority document. Hence, Igarashi is not valid prior art against the instant application. Igarashi forms the

basis for all rejections (other than Miyajima) in the instant Action. Thus, as Igarashi is not valid prior art, all rejections must be withdrawn.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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5/1/06

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Faulty positioning detection method for silicon wafer processing device during manufacture of integrated circuits

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A procedure for detecting faulty positioning of wafer feeders as the wafers (18) are supplied and removed from a wafer magazine (3), where at least one optical sensor is used for detecting the presence or absence of a wafer (18) in at least one critical zone between the wafer magazine (3) and the wafer processing device (1). Reaction devices are used to avoid damage to the wafers (17,18), the wafer magazine (3) and/or the processing device (1) during detection of the presence of a wafer (18) in a critical zone. The optical sensor used is an optical waveguide sensor.

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CERTIFICATION OF TRANSLATION

Title of Translated Document: **Device for the Detection of Substrates Stacked
with a Specific Spacing**

Original Language of Translated Document: **German**

The undersigned declares that:

1. I am a professional translator with English as a native language and German as an acquired language. With 20 years of full-time translating experience in general, medical, technical, chemical and related fields.
2. To the best of my knowledge and belief, the attached is a true, accurate and complete English translation of the above-referenced German document

Date: September 18, 2003

Signature: _____

David Loewus
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